

TITLE 2

Government and Administration

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Title 2 ► Chapter 1

Village Government and Elections

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Sec. 2-1-1 Village Government.

The Village of Butler is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

Sec. 2-1-2 Election Poll Hours.

The voting polls in the Village of Butler, Waukesha County, shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.

Sec. 2-1-3 Election Officials.

- (a) Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections of the Village which shall consist of seven (7) election inspectors. However, the Village Administrator shall have the power to limit the number of election officials. The Village Administrator shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Village Administrator shall further redistribute duties among the remaining officials.
- (b) Because Chapter 7.30(1), Wis. Stats., allows for the creation of alternate or two (2) sets of election officials to work at different times on election day, the Village Board authorizes the selection of alternate and/or two (2) sets of election officials to staff the polls on election day.

State Law Reference: Sec. 7.30, Wis. Stats.

Sec. 2-1-4 Official Newspaper; Legal Posting.

- (a) **Publication.** When publication is used instead of legal posting, the official newspaper of the Village of Butler shall be the *Sussex Sun*.
- (b) **Legal Posting.** When legal posting is used instead of publication, the Village shall post notices in three (3) designated posting locations:
 - (1) Village Hall (outside).
 - (2) Post Office.
 - (3) Village Hall (inside).

State Law Reference: Sec. 985.06, Wis. Stats.

Title 2 ► Chapter 2

Village Board

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Sec. 2-2-1 Village Board.

The Trustees of the Village of Butler shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sections 61.32 and 61.34, Wis. Stats.

Sec. 2-2-2 Trustees.

- (a) **Election, Term, Number.** The Village of Butler shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his/her office as President. The six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Sections 61.20 and 61.325, Wis. Stats.

Sec. 2-2-3 Village President.

- (a) **Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his/her election.
- (b) **Duties.** The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the Village Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. The Village President shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.
- (c) **Participation in Debate.** The Village President shall vote on all matters in the same way that other Trustees vote. The President has the power to make motions, and to introduce ordinances, resolutions and the like as any other Trustee.
- (d) **Appointments.**
 - (1) Wherever in this Code of Ordinances the Village President is required to appoint citizens to committees, commissions and/or boards, in the event the Village Board rejects a Village President's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
 - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Village President does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Village Board may then nominate an appointee to such position, subject to the approval of the Village President.
 - (3) In the event the Village Board, by parliamentary practice, tables an appointment by the Village President, such tabling action shall be effective for that meeting, but at the next regular meeting of the Village Board, such appointment shall be on the meeting

agenda for further consideration, and the particular appointment involved may not be tabled a second (2nd) time.

State Law Reference: Sec. 61.24, Wis. Stats.

Sec. 2-2-4 Standing Committees.

- (a) **Appointments.** The Village President shall, at the first meeting of the Village Board after the regular annual spring election, assign a member of the Village Board to the chairmanship of each standing committee; such member shall serve only as a member of this committee. The President shall also assign three (3) members [Chairperson and two (2) Trustees] of the Village Board to each of the three (3) standing committees. All appointments shall terminate when a new Village Board takes office after the date of the annual Village election. The Village President shall be an ex officio member of all committees, but without a vote.
- (b) **Duties of Committees.** All subject matters appearing under the designation of each committee as listed herein, unless otherwise ordered by the Village Board, shall be assigned by the Village President to one of the named committees. Each committee shall thereafter report on all such matters so assigned to it by the Board at a regular or special meeting of the Board. Any matter may be taken up prior to the report of a committee by vote of the Village Board:
 - (1) **Finance Committee.**
 - a. Auditing of claims.
 - b. Salary adjustments and personnel matters.
 - c. Review tentative budget.
 - d. Investment of surplus village funds.
 - e. Determination of Village financial policies.
 - f. Bond issues and indebtedness.
 - g. Purchase or sale of Village property.
 - h. Claims by and against the Village.
 - i. Village insurance.
 - j. Preparation and review of ordinances.
 - (2) **Public Safety Committee.**
 - a. All police, fire department, and civil defense matters.
 - b. Traffic signals, signs, and regulations.
 - c. Relations of the Village Board with attorneys.
 - d. Relations of the Village Board with municipal justice.
 - e. All permits except building.
 - f. Building, plumbing, and electrical codes.
 - g. Building, demolition and moving.
 - h. Recreational activities.
 - (3) **Public Works Committee.**
 - a. Construction of streets and sidewalks.

- b. Maintenance of streets and sidewalks.
 - c. Utility installations in public ways.
 - d. Snow and ice removal from streets and sidewalks.
 - e. Refuse and garbage collection.
 - f. Street lighting extensions.
 - g. Construction of sewer and water mains.
 - h. Maintenance of sewer and water systems.
 - i. Zoning and the zoning code.
 - j. Amendments to zoning code.
 - k. Acceptance of plats.
 - l. Laying out and vacations of public ways.
 - m. Village parks and buildings.
- (c) **Professional Assistance.** All committees shall have access to such professional services as its members deem necessary to perform its functions.
- (d) **Village Officers, Special Committees, and Commission Members.** All Village officers subject to appointment, special committees, and commissions shall be appointed by the Village President subject to confirmation by the Village Board.
- (e) **Committees-of-the-Whole; Special Committees.**
 - (1) The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
 - (2) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
 - (3) The Village President may, from time to time, appoint such special committee or committees as he/she deems advisable or as provided for by motion or resolution by the Board stating the number of members and object thereof to perform such duties as may be assigned to them.
- (f) **Committee Reports.**
 - (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
 - (2) Each committee shall give the full Board at the next regular Board meeting a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Board with the issue.
 - (3) If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Board with the minority position. The Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.

- (g) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.
- (h) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village Department.

Sec. 2-2-5 General Powers of the Village Board.

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof,

when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.

- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

Sec. 2-2-6 Cooperation with Other Municipalities.

The Village Board, on behalf of the Village, may join with other counties, villages, cities, towns or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

State Law Reference: Sections 61.34(2) and 66.0301, Wis. Stats.

Sec. 2-2-7 Internal Powers of the Board.

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

State Law Reference: Sec. 61.32, Wis. Stats.

Sec. 2-2-8 Salaries.

- (a) **Generally.** The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.
- (b) **Officers' Salaries.** All officers of the Village shall receive such salaries as may be provided from time to time by resolution. No officer receiving a salary from the Village shall retain any portion of any fees collected by him/her for the performance of his/her duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries established by the Village Board shall be by payroll. Village Board members shall be paid once a month at the first regular meeting of the month for the previous month.

State Law Reference: Sec. 61.32, Wis. Stats.

Sec. 2-2-9 Meetings.

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first and third Tuesdays of each calendar month at 7:30 p.m. The Finance Committee shall meet at 7:00 p.m. on regular meeting dates to consider the allowance or disallowance of accounts as presented. Any regular meeting falling on a legal holiday shall be held the next following secular day at the same hour and place, or on the same day at a noticed alternative location. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Butler Municipal Building in the Village of Butler prior to such rescheduled meeting date. All meetings of the Board shall be held at the Butler Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. When a regular meeting date falls on an election day, the meeting will be held the day before the election or at an alternative location.
- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Administrator shall keep a record of all Board proceedings and cause the proceedings to be published.

State Law Reference: Sec. 61.32, Wis. Stats.

Sec. 2-2-10 Special Meetings.

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Administrator at least twenty-four (24) hours prior to the time specified for such meeting. The Village Administrator shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Administrator shall cause a record of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Administrator shall give notice immediately upon the call for such meeting being filed with him/her.
- (b) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

State Law Reference: Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-2-11 Open Meetings; Adjournment of Meetings.

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.
- (e) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash

bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Village Board meetings without the consent of the Presiding Officer.

State Law Reference: Sec. 61.32 and Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-2-12 Quorum.

- (a) Four (4) Trustees, including the Village President, shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Administrator shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

State Law Reference: Sec. 61.32, Wis. Stats.

Sec. 2-2-13 Presiding Officers.

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Administrator shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **President Pro Tem.** At the annual organization meeting following each spring election, the Village Board shall elect from within its membership a President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.
- (c) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting. In the event of a dispute regarding Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

State Law Reference: Sec. 61.32, Wis. Stats.

Sec. 2-2-14 Meeting Agendas; Order of Business.

(a) **Agenda.**

- (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Village Administrator. All matters to be presented at a Board meeting shall be filed with the Village Administrator, or his/her deputy, no later than 12:00 Noon on the Thursday preceding the scheduled regular Board meeting to enable the Village Administrator to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 Noon on the Thursday preceding the Board meeting will not be placed upon the agenda. The President may waive the filing deadline for emergency cause shown.
- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
- (3) The Village President shall advise the Village Administrator whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
- (4) The Village Administrator shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.

(b) **Order of Business.** Generally, the following order shall be observed in the conduct of all regular Board meetings:

- (1) Call to order by presiding officer.
- (2) Roll Call.
- (3) Persons desiring to be heard.
- (4) Discussion, correction and approval of the minutes of the previous meetings.
- (5) Communications.
- (6) Committee reports.
- (7) Report of the Administrator.
- (8) Unfinished business from previous meetings.
- (9) New business, including introduction of ordinances and resolutions.
- (10) Miscellaneous business permitted by law.
- (11) Adjournment.

(c) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

(d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:

- (1) No discussion allowed from visitors during the course of the meeting unless requested by the Board.
- (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five (5) minutes.

(e) **Procedure at Public Hearings.**

- (1) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.
- (3) The presiding officer shall then call on those persons who wish to oppose the proposition.
- (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (6) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

Sec. 2-2-15 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.

(a) **Definitions—Ordinances, Resolutions and Motions.**

- (1) **Ordinance.** A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- (2) **Resolution.** An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Board action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
- (3) **Motion.** A form of action taken by the Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

(b) **Ordinances.** All ordinances and resolutions shall be prepared as follows:

- (1) Each ordinance or resolution shall include a note stating the purpose thereof prepared by the sponsor. All ordinances submitted to the Board shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
- (2) The sponsor of an ordinance or resolution may be the President, one (1) or more Trustees, a department head or a committee, board, or commission.
- (3) No ordinance, resolution or by-law shall be considered unless presented in writing by a Trustee or by a committee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or by-law need be read in full.

- (4) On ordinances or resolutions that require special handing, the Village Administrator shall assure that an editorial note is prepared showing compliance with such special handing.
- (5) The Village Administrator may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
- (6) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (c) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (d) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
- (e) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and posting; and published copies thereof shall have appended the date of first posting.
- (f) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Administrator or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Board to the appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

Sec. 2-2-16 Publication and Effect of Ordinances.

- (a) All ordinances adopted by the Village Board shall, at the discretion and direction of the Village Board, be published in the official newspaper for the Village of Butler as a Class 1 Notice under Chapter 985, Wis. Stats., or posted in three (3) public places within the Village.

- (b) Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Butler contains any penalty or forfeiture said ordinance shall be published or posted as a Class 1 Notice under Chapter 985, Wis. Stats.
- (c) If an ordinance resolution, motion or other action is legally posted under this Section, the Village Administrator or designee shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Village Administrator.
- (d) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

State Law Reference: Sections 61.32 and 61.50, Wis. Stats.

Sec. 2-2-17 Conduct of Deliberations.

- (a) **Attendance Roll Call.** When the Presiding Officer shall have called the members to order, the Village Administrator shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.
- (b) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.
 - (2) When required by the state statutes of Wisconsin.
- (c) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board. Any Trustee may demand a vote on any matter. The Village Administrator shall call for the ayes and noes on roll call votes in continuous rotation, beginning each roll call one (1) name further down the roster of Trustees. The Village Administrator shall record the ayes and noes on each vote.
- (d) **Parliamentary Procedure.** Except as provided below, the presiding officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by the most recent edition of *Robert's Rules of Order, Revised*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute.
- (e) **Motions Stated.** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the

Village Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.

- (f) **Change of Vote.** No member of the Village Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (g) **Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are;
 - (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
 - (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.
 - (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.
 - (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
 - (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted,

ends the debate and discussion at the meeting on the action item, business item, motion or question.

- (8) **Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (h) **Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Board only as an advisory vote and shall not be considered as a directory vote.
- (i) **Compelling Votes.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7).
- (j) **Majority Vote.** Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.

Sec. 2-2-18 Reconsideration of Questions.

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting or the next succeeding regular meeting, except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*. A Trustee may not change his vote on any question after the result has been announced.

Sec. 2-2-19 Disturbances and Disorderly Conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may, following a warning, cause the room to be cleared by a law enforcement officer of all persons causing such disorderly conduct.

Sec. 2-2-20 Amendment of Rules.

The rules of Sections 2-2-17 through 2-2-19 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Board.

Sec. 2-2-21 Suspension of Rules.

These rules shall not be suspended except by a two-thirds (2/3) vote of all the members of the Board.

Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Administrator-Clerk
2-3-4	Deputy Clerk
2-3-5	Village Treasurer
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2-3-15	Eligibility for Office
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2-3-17	Vacancies
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Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.

- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

Sec. 2-3-2 Appointed Officials.

The Village officials hereinafter set forth shall be appointed;

Official	How Appointed	Term
Village Administrator-Clerk	Village Board	Indefinite
Village Treasurer	Village Board	Indefinite
Deputy Clerk	Village Board	Indefinite
Village Attorney	Village Board	Pleasure of Board
Assessor	Village Board	By contract
Engineer (Consulting)	Village President subject to confirmation by the Village Board	Pleasure of Board
Weed Commissioner	Village President subject to confirmation by the Village Board	One Year
Chief of Police	Village Board	Indefinite
Emergency Government Director	Village President subject to confirmation by the Village Board	2 years commencing May 15 following appointment

Public Works Superintendent	Village President subject to confirmation by the Village Board	Indefinite
Water Utilities Superintendent	Village President subject to confirmation by the Village Board	Indefinite
Librarian	Library Board	Indefinite
Building Inspector	Village Board	By contract
Electrical Inspector	Village Board	By contract
Plumbing Inspector	Village Board	By contract

Sec. 2-3-3 Village Administrator-Clerk.

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Butler hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, Wis. Stats., which relate to the selection and tenure of the Village Clerk, and which are in conflict with this Section. The offices of Village Clerk and Village Administrator are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Administrator-Clerk (Charter Ordinance).
- (b) **Term.** The appointed Village Administrator-Clerk shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.
- (c) **References.** For purposes of this Code of Ordinances, the position of Administrator-Clerk may also be referred to as "Village Administrator" or "Village Clerk".
- (d) **Power to Inquire.** When authorized by the Village Board, the Administrator-Clerk may examine or inquire into the affairs or operations of any department, and he/she may employ consultants and professional counsel.
- (e) **Public Works.** The Administrator-Clerk ("Administrator") shall, in the absence of an appointed individual, act as the Public Works Superintendent and perform all the responsibilities and duties listed in Section 2-3-11.
- (f) **Emergency Powers.** In the absence of the Village President and Acting President, the Administrator shall have such emergency powers as are given by statute or ordinance to the Village President.
- (g) **Appointment and Term of Office.** The Administrator-Clerk shall be appointed by the Village Board for a term of indefinite duration, subject to removal by a majority vote of the Village Board at any time.

- (h) **Functions and Duties of Village Administrator.** The Village Administrator, subject to the limitations defined in resolutions and ordinances of the Village of Butler, shall be the chief administrative officer of the Village, responsible only to the Village Board for the proper administration of the business and affairs of the Village pursuant to the statutes of the State of Wisconsin, the ordinances of the Village of Butler, and the resolutions and directions of the Village Board, with powers and duties as follows:

(1) **General Duties.**

- a. Coordinate the administrative activities of Village departments.
- b. Establish such methods of handling details of administration as will, in his/her opinion, best promote efficiency in municipal government.
- c. Prepare the agenda and order of business for all board and committee meetings. Nothing herein shall be so construed as to give the Village Administrator authority to limit or in any way prevent matters from being considered by the Board or its committees.
- d. Attend all official meetings of the Village Board unless excused by the Board, and make recommendations from time to time for improving the quality and efficiency of the services performed by the Village.
- e. Effectuate all action of the Village Board which requires administrative action and report any problems or difficulties in connection therewith to the Village Board.
- f. File with the Village Board such reports at such times as the Village Board may require concerning the activities of his/her office so that the Village Board may be currently apprised of any actions of the Village Administrator and the nature and reason for such actions taken by him/her.
- g. Act as Media Officer for the Village. As such, he/she shall be the spokesperson on all matters within his/her authority and responsibility and shall assure that the news media are kept fully informed about the operations of the Village.
- h. Represent the Village in intergovernmental matters and affairs.
- i. See that all Village ordinances are efficiently and equally enforced.
- j. Supervise the bookkeeping and accounting systems in all departments so as to increase the efficiency of the operations of each.
- k. Such other administrative duties and powers not inconsistent with law as may be prescribed by the Village Board from time to time.

(2) **Personnel.**

- a. The Village Administrator shall be entitled to the cooperation and assistance of all officers and employees of the Village so that the affairs of the Village will be most economically and harmoniously administered.
- b. Act as personnel officer for the Village, recommend salary and wage scales and working conditions for those officers, officials, or employees not covered by collective bargaining agreements. Periodically evaluate job classifications and, when necessary, formulate and propose new job classifications.

- c. Except as otherwise required by statute or ordinance, the Village Administrator shall recommend to the Village Board appointment of, and when necessary or desirable for the good of the service, suspension or removal of employees of the Village, provided, however, that neither any statutory officer of the Village, nor the Village Attorney, may be appointed, suspended, or removed, except by action of the Village Board.
- d. The Village Administrator shall submit to the Village Board a plan of administrative organization and procedure, including an organization chart. This administrative plan shall be so constructed as to define authority and responsibility as clearly as possible. Upon approval by the Village Board, such plan and amendments and changes thereof shall constitute the official administrative and organizational plan.
- e. Administrative organization and procedure in the Village office shall be as determined by the Village Administrator to the extent that it does not conflict with the Wisconsin Statutes nor the ordinances and resolutions of the Village Board of the Village of Butler.

(3) ***Budget and Purchasing.***

- a. Prepare annually and submit to the Village Board a financial budget of anticipated income and expenditure for the ensuing fiscal year, and supervise and control the expenditures of money and the administration of such budget as adopted.
- b. Subject to the limitations contained in Ch. 61.55, Wis. Stats., the Village Administrator is authorized and empowered to make the following purchases in behalf of the Village without the prior approval of the Village Board.
 - 1. Supplies and miscellaneous equipment in the sum of the budgeted amounts, if any.
 - 2. The Village Administrator shall have the power to delegate the authority to make purchases not exceeding Fifty Dollars (\$50.00) to duly appointed department heads for operating supplies provided that the proper purchase order forms are prepared and circulated and provided further that the purchase is of such sufficient urgency to make it impractical to follow regular procedure, and provided further that the purchase amount is within the departmental operating budget for the fiscal year.

(i) **Functions and Duties of the Village Clerk.**

- (1) Perform any duties prescribed by law relative to elections.
- (2) Attend all meetings of the Village Board, to record and sign the proceedings thereof, and all ordinances, rules, bylaws, resolutions and regulations adopted.
- (3) Countersign and keep a record of all licenses, commissions and permits granted or authorized by the Village Board.
- (4) Countersign and cause to be published or posted every ordinance, bylaw, or resolution as required by law and to have proper proof thereof made and filed.

- (5) Be the custodian of the corporate seal and to file as required by law and to safely keep all records, books, papers, or property belonging to, filed, or deposited in his/her office.
- (6) Draw and countersign all orders on the Village treasury ordered by the Village Board and none other.
- (7) Make a tax roll, make and transmit to the County Clerk a statement showing the assessed valuation of the property in the Village, and separate the amount of all taxes levied therein, including highway and street taxes for the current year and the purposes for which they were levied.
- (8) Perform all other duties required by law or by any ordinance or other direction of the Village Board.
- (j) **Fiscal Duties.** Administer the financial affairs of the Village in cooperation with the Village Treasurer.
- (k) **Building Inspector.** The Village Administrator shall perform the administrative duties of the Building Inspector, with the exception of the inspection of new construction, which shall be the responsibility of a designated representative. Such representative shall be designated by the Village Board.
- (l) **Deputy Clerk.** In the absence of the Administrator-Clerk, the Deputy Clerk shall assume his/her responsibilities.

Sec. 2-3-4 Deputy Clerk.

The Village Board may appoint a Deputy Clerk(s). The Deputy Clerk(s). The Deputy Clerk(s) shall have an indefinite term of office. The Deputy Clerk(s) shall act under the Village Administrator-Clerk's direction and, during the temporary absence or disability of the Village Administrator-Clerk or during a vacancy in such office, shall perform the duties of Village Clerk. The acts of the Deputy(s) shall be covered by official bond as the Village Board shall direct.

State Law Reference: Sec. 61.261, Wis. Stats.

Sec. 2-3-5 Village Treasurer.

- (a) **Selection.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Butler hereby elects not to be governed by those portions of Sections 61.19 and 61.26, Wis. Stats., which relate to the selection and tenure of the Treasurer, and which are in conflict with this Section. (Charter Ordinance)
- (b) **Term.** The appointed Village Treasurer shall hold office for an indefinite term as prescribed in Section 2-3-2, subject to removal as provided in Sec. 17.13, Wis. Stats.

- (c) **Audits.** Annual audits shall be made of the records of the Treasurer with the audit to be made by a certified public accountant.
- (d) **Duties as Treasurer.** The Village Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties in cooperation with the Village Administrator:
 - (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
 - (2) Prepare financial and bank statement;
 - (3) Maintain fiscal records for the Village;
 - (4) Make reports to the State on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities.
 - (6) Perform record keeping, billing, collections, banking, investments accounting and financial reporting of all Village operations;
 - (7) Collect all taxes for the Village and other taxing bodies;
 - (8) Invest idle funds for maximum interest earnings;
 - (9) Prepare monthly financial report;
 - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (11) Prepare check vouchers for payment of approved claims for signature;
 - (12) Assist in the preparation and compilation of the annual Village budget;
- (e) **Duties Prescribed by Law.** The Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Village Board. The Treasurer generally shall perform, under direction of the Village President or other presiding officer of the Board, all duties pertaining to his/her office as Treasurer, and shall be responsible for all the official acts of assistants.
- (f) **Bond.** The Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

Sec. 2-3-6 Village Attorney.

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
 - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
 - (2) He/she shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) He/she shall draft ordinances, bonds and other instruments as may be required by Village officers.

- (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
- (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
- (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

Sec. 2-3-7 Chief of Police.

- (a) **Appointment.** The Chief of Police shall be appointed pursuant to Section 2-3-2. The Chief shall exercise the powers and duties of the Village marshals and Village constables and any other powers and duties as provided from time to time by the Village Board.
- (b) **General Duties.**
 - (1) The Chief of Police shall have command of the Police Department. The Chief of Police shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Administrator or Village Board.
 - (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime. The Chief of Police shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his/her knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. The Chief of Police shall be solely responsible for the care and condition of the equipment used by his/her Department. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

State Law Reference: Sec. 61.65(1)(am), Wis. Stats.

Sec. 2-3-8 Municipal Judge; Municipal Court.

- (a) **Established.** Pursuant to the authority granted by Ch. 755, Wis. Stats., there is hereby established a Municipal Court for the Village of Butler.

- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the Village of Butler. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Village Board therefore.
- (c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the odd-numbered years for a term of two (2) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (d) **Salary.** The Municipal Judge shall receive a salary of Two Thousand Four Hundred Dollars (\$2,400.00) per annum, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed his/her official bond and oath as required by Subsection (e). The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Village Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c), Wis. Stats., as amended.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Waukesha County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such an amount determined by the Village Board.
- (f) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Sec. 755.045, Wis. Stats., and exclusive jurisdiction of violations of Village ordinances and resolutions.
- (g) **Procedure in Municipal Court.**
 - (1) The Municipal Court for the Village shall be open as determined by order of the Municipal Judge. The Municipal Judge shall keep his/her office and hold court in the Village Hall, 12621 West Hampton Avenue, as scheduled by the Municipal Judge.
 - (2) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Village Board. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.
 - (3) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
 - (4) The procedure in Municipal Court for the Village shall be as provided by this Section and state law, including, without limitation because of enumeration, Chapters 300,

755, 800 and Sec. 23.66 to Sec. 23.99, 288.14, 288.15, 288.18 and 345.20 to 345.53, Wis. Stats. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Municipal Judge shall draft a bond schedule, which shall become effective upon approval by the Village Board. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

(h) **Fees.**

- (1) Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited with the Village Administrator.
- (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him/her and shall pay over such moneys to the Village Administrator not later than twenty-four (24) hours succeeding his receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the Village Administrator the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The Village Administrator shall disburse the fees as provided in Sec. 824.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.0114, Wis. Stats.

(i) **Board May Abolish Municipal Court.** The Village Board may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.

(j) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

(k) **Contempt of Court.**

- (1) The Municipal Judge may punish for contempt of Municipal Court for the Village of Butler persons guilty of either of the following acts:
 - a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
 - b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
- (2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.
- (3) The Municipal Judge may upon finding any person guilty of contempt, under the provisions of Sec. 800.12, Wis. Stats., order such person to pay a forfeiture plus the penalty assessment under Sec. 165.87, Wis. Stats., and assessment under Sec. 53.46, Wis. Stats. Upon non-payment of the forfeiture and assessments the person found guilty of contempt may be sentenced to the County jail not to exceed seven (7) days.

(1) **Stipulations and Deposits in Municipal Court.**

- (1) The Municipal Judge shall establish and submit to the Village Board for approval a schedule of deposits for violations of Village ordinances, resolutions and bylaws, except traffic regulations which are governed by Sec. 345.27, Wis. Stats. When approved by the Board, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Police Department.
- (2) Persons cited for violations of Village ordinances, resolutions or bylaws for which a monetary penalty alone is applicable and a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided by State law.
- (3) The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27, Wis. Stats.

State Law Reference: Chs. 755 and 800, Wis. Stats.

Sec. 2-3-9 Clerk of the Municipal Court.

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Village Board. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Village Administrator. The cost of such bond shall be paid by the Village.
- (b) **Duties.** The Court Clerk shall:
 - (1) File and review citations and complaints, assuring their correctness;
 - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
 - (3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases;
 - (4) Determine and schedule Court dates and facilities;
 - (5) Communicate with law officers, attorneys and defendants regarding court proceedings;
 - (6) Balance dockets at the conclusion of court proceedings;
 - (7) Prepare and mail warrants and summons;
 - (8) Prepare monthly report of financial activities;
 - (9) Assist in the collection of traffic bonds;
 - (10) Prepare necessary communications for jury trials and transfers to Circuit Court;
 - (11) Perform such other duties as may be required by the Municipal Judge and Village Board.

Sec. 2-3-10 Weed Commissioner.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Administrator and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Secs. 66.0407 and 66.0517, Wis. Stats.

Sec. 2-3-11 Public Works Superintendent.

- (a) **Appointment.** The Superintendent of Public Works shall be appointed pursuant to Section 2-3-2. Generally, the Village Board shall maintain, service, inspect and/or repair all Village public works equipment, and property including street equipment, streets and street right-of-way, Village parks, Village buildings and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Superintendent of Public Works shall have the following duties and powers, under the direction of the Village Board and Village Administrator:
 - (1) **General Duties.**
 - a. He/she shall have general charge and supervision of certain public works in the Village.
 - b. He/she shall be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, Village buildings and structures and all related machinery, equipment and property used in such activity.
 - c. He/she shall have charge of certain public services, including snow and ice removal, street cleaning, flushing, and street maintenance.
 - d. He/she shall perform such other activities and duties, as are imposed upon him/her from time to time by the Village Board, his/her job description or employment contract.
 - (2) **Maintain, Clean and Repair Streets and Roads.** The Superintendent of Public Works shall:
 - a. Plow and remove snow as needed.
 - b. Clean and sweep streets.
 - c. Repair streets and roads with proper materials as needed.
 - d. Mow grass as needed.
 - e. Assess street repair and replacement needs as directed by the Board.
 - (3) **Maintain Village Buildings and Equipment.** The Superintendent of Public Works shall:

- a. Clean, maintain, paint and service Village buildings as needed and as directed by the Board.
- b. Keep buildings in safe condition to meet all state and local building and safety code requirements.
- c. Maintain and service all Village vehicles and machinery as needed and as directed by the Board.

Sec. 2-3-12 Water Utility Superintendent.

- (a) **Appointment.** The Water Utility Superintendent shall be appointed pursuant to Section 2-3-2. Generally, the Village Board shall maintain, service, inspect and/or repair all Village water utilities and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Water Utility Superintendent shall have general supervision of the Utility under the direction of the Village Board and Village Administrator. He/she shall engage necessary employees and agents subject to the approval of the Board. He/she shall have supervision over the plant, grounds, machinery, pipes, and all matters connected therewith. He/she shall see that all laws, ordinances, and rules and regulations of the state of Wisconsin, Public Service Commission, and the Village Board, as they pertain to the operation of the Utility, are complied with.

Sec. 2-3-13 Assessor.

- (a) Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall have a term and serve as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

State Law Reference: Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.;

affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

Sec. 2-3-14 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.

(a) **Appointment.**

- (1) Inspectors shall be appointed pursuant to Section 2-3-2.
- (2) Each inspector shall:
 - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Butler.

(b) **Authority to Enter Premises; Appeals.**

- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
- (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.

(c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.

(d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

Sec. 2-3-15 Eligibility for Office.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

State Law Reference: Sec. 62.09(2), Wis. Stats.

Sec. 2-3-16 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Administrator-Clerk. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Chapter 19, Subchapter I, Wis. Stats.

State Law Reference: Chapter 19, Subch. I, Wis. Stats.

Sec. 2-3-17 Vacancies.

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

State Law Reference: Sec. 61.23, Wis. Stats.

Sec. 2-3-18 Removal from Office.

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-19 Custody of Official Property.

Village officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Sec. 19.21, Wis. Stats.

Title 2 ► Chapter 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Zoning Board of Appeals
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Sec. 2-4-1 Board of Review.

(a) **Composition.**

- (1) The Board of Review shall be composed of at least three (3) members including the Village President, the Village Administrator-Clerk, and a member of the Village Board, and any other official the Village Board may annually choose to appoint. The Village Administrator-Clerk shall serve as Clerk of the Board of Review. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
- (2) No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The Village Administrator-Clerk shall provide an affidavit to the Department of Revenue stating whether the requirement under this Section has been fulfilled.

(b) **Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.

(c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.

(d) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other

than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Butler to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.
- (f) **Open Meetings.** All meetings of the Board of Review shall be publicly held and open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

Sec. 2-4-2 Zoning Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
 - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use

variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building/zoning permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Administrator-Clerk and shall be public record. The Administrator-Clerk shall serve as secretary to the Board of Appeals. The Board shall

adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.

- (6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
- (d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

State Law Reference: Sec. 62.23(7)(e), Wis. Stats.

Sec. 2-4-3 Park and Recreation Committee.

- (a) **Establishment.** There is established a Park and Recreation Committee in accordance with Sec. 61.34, Wis. Stats.
- (b) **Purpose.** The establishment of the Park and Recreation Committee shall be for the purpose of acquiring, improving, developing, maintaining, and operating public parks, recreation facilities, equipment, and activities. The Committee may provide a park and recreation program for children and adults, coordinating and correlating all recreational activities for the maximum benefit of the community and cooperating with other public or private organizations to more efficiently utilize the Village's resources.
- (c) **Membership.**
 - (1) The Committee shall consist of five (5) resident members who shall serve without compensation. One (1) member shall be a Village Trustee appointed by the Village Board for one (1) year. The other four (4) members shall be citizen members appointed by the Village President subject to confirmation by the Village Board. Terms shall commence on the third (3rd) Tuesday of April and shall be staggered for three (3) year periods. The president, vice-president, and secretary shall be selected by the other Board members for one (1) year. Vacancies shall be filled for the unexpired term in the same manner as appointment for the full term.
 - (2) A member will be automatically removed from the Committee if either or both of the following occur:
 - a. The member is no longer a Village resident; and
 - b. A member has three (3) unexcused absences from meetings per calendar year.
- (d) **Organization.** The Committee shall organize and adopt rules for its own government in accordance with the provisions of this Section. Meetings shall be held monthly and at the call of the Village President, and shall be open to the public. Minutes shall be kept

showing all actions taken and a copy shall be filed with the Village Administrator-Clerk as a public record. A quorum shall be four (4) members but all actions shall require approval of the majority of the Village Board.

(e) **Powers.** The Committee shall:

- (1) Purchase, lease, sell, or exchange park or recreation lands, facilities, and equipment subject to the approval of the Village Board.
- (2) Acquire any park or recreation lands, facilities, and equipment by gift, devise, bequest or condemnation, money, real or personal property, or any incorporeal right or privilege subject to the approval of the Village Board.
- (3) Govern, manage, control, improve, develop, maintain, and operate all public parks or recreational lands, facilities, equipment and activities, and to adopt the necessary rules and regulations for this purpose, subject to Village Board approval.
- (4) Employ a staff and pay for their services, supplies, equipment, and such other expenses not exceeding the appropriation made by the Village Board. Staffing decisions shall be made by the Village Administrator. The Village Forester shall operate under all the provisions of Ch. 27.09, Wis. Stats.
- (5) Such additional powers or duties vested or assigned by the Village Board and all the powers granted in Ch. 27.09, Wis. Stats.

(f) **Finances.** The Committee shall annually prepare a proposed program and budget for the ensuing year and the Village Board shall annually appropriate such monies as it deems necessary. The Committee shall not contract any liability in excess of the budget appropriated unless specifically authorized by the Village Board. Reasonable fees may be charged to public users for any recreational activity.

(g) **Reports.** The Committee shall make an annual report to the Village Board of all its activities, receipts, expenditures, and an inventory of all public parks, recreational lands, facilities, and equipment.

Sec. 2-4-4 Building Board.

- (a) **Membership.** The Building Board shall be appointed at the first meeting of the Village Board after the regular annual election by the Village President subject to confirmation by the Village Board. The Building Board shall consist of three (3) Village Board members and one (1) citizen member who has professional qualifications and shall meet at the request of the Building Inspector to consider approval of applications for building permits which he/she has found to comply in all respects with all applicable ordinances of the Village.
- (b) **Duties.** No building permit for any structure for which a building permit is required shall be issued unless it has been approved after it has been found as a fact by the Building Board by at least a majority vote, after a view of the site of the proposed structure and an

examination of building permit application and plans that structure conforms to the Building and Zoning Codes. The Building Board shall have access to such professional services as it deems necessary to perform its functions.

- (c) **Hearings.** The Building Board may, if it desires, hear the applicant for the building permit in question and/or owner of the lot on which it is proposed to erect the structure in question.
- (d) **Appeals.** Any person entitled to appeal from grant of or refusal of the Building Board and Building Inspector on issuance of a permit may appeal to the Board of Zoning Appeals in the same manner and with the same force and effect as if this Section had not been adopted and the Building Inspector had taken such action independently of the Building Board.

Cross-Reference: Title 15, Chapter 1, Building Code.

Sec. 2-4-5 Library Board.

(a) **Organization.**

- (1) Pursuant to Secs. 43.54 and 43.58, Wis. Stats., there is hereby created a Library Board for the Village consisting of seven (7) members. Membership shall consist of one (1) Village Trustee and six (6) citizens appointed by the Village President, subject to confirmation by the Village Board.
- (2) Terms of such members shall be from May 1st in the year of their appointment and thereafter each regular appointment shall be for a term of three (3) years. Not more than one (1) member of the Village Board shall at any one (1) term be a member of the Library Board. Citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. The Trustee member shall be appointed annually by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one (1) of the Library Board members the school district administrator, or his/her representative, to represent the public school district or districts in which the library is located.
- (3) A majority of the membership of the Board shall constitute a quorum.
- (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

- (b) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58, Wis. Stats.

- (c) **Property of Board.** The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest, or otherwise for the purpose of such library, when not inconsistent with the terms of its acquisition, shall vest in the Village.

- (d) **Budget.** The Library Board shall, prior to October 1st in each year, prepare a detailed estimate of the expenditures by the Board during the ensuing calendar year together with an estimate of the income from all sources to be derived during the calendar year, and transmit the same to the Village Board. The Village Board shall include in the Village budget for the ensuing fiscal year such sum for library purposes as it shall deem necessary.

State Law Reference: Secs. 43.54 and 43.58, Wis. Stats.

Sec. 2-4-6 Plan Commission.

- (a) **Composition.** The Village Plan Commission shall consist of eight (8) members who shall be the following: The Village President (who shall be its presiding officer), a Village Trustee, the Chairman of the Park and Recreation Committee, a member of the Village Building Board who is not a Trustee but who, if possible, is engaged in a building trade, and four (4) citizen members.
- (b) **Appointment.**
- (1) **Trustee Member.** The Trustee member shall be annually appointed by a two-thirds (2/3) vote at the organizational meeting of the Village Board.
 - (2) **Citizen Members.**
 - a. One (1) citizen member shall be appointed by the Village Board annually during April for a term of three (3) years.
 - b. The additional citizen members shall be appointed by the Village Board annually during April for a term of one (1) year.
- (c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (d) **Duties.**
- (1) **The Master Plan.**
 - a. The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures,

and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.
- (2) **Matters Referred to Plan Commission.** The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.
 - (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The

Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village. All plats, replats and certified surveys within the Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.

- (e) **Compensation; Oath.** Compensation may be established by the Village Board for service on the Commission. Citizen members shall take the official oath required by Sec. 19.01, Wis. Stats., which shall be filed with the Village Administrator.
- (f) **Organization.** As soon as all members of the first Commission shall have been appointed, the Village Administrator shall give each member a written notice of the appointment and thereon shall fix the time and place of the first meeting which shall be not less than five (5) nor more than ten (10) days thereafter. Such Commission shall elect a vice-chairman and a secretary, and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator.
- (g) **Employees; Budget.** The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board. As far as possible, the Commission shall utilize the services of existing Village officials and employees.
- (h) **Rules of Procedure; Report.** The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report in writing to the Village Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seem proper.
- (i) **Special Meetings.** Individuals requesting a special meeting of the Plan Commission shall be required to pay a fee as prescribed in Section 1-3-1.

State Law Reference: Sections 61.35, 62.23, and Chapter 236, Wis. Stats.

Sec. 2-4-7 Community Development Authority.

- (a) The Village President shall appoint seven (7) resident persons as commissioners of the Community Development Authority, which appointments shall have the qualifications listed

herein and shall be subject to confirmation by the Village Board. Two (2) of said commissioners shall be members of the Village Board and shall serve on the Authority during their respective terms of office as Board members. The initial appointments of the five (5) non-Board commissioners shall be for the following terms: two (2) commissioners for one (1) year, and one (1) commissioner each for a respective term of two (2), three (3) and four (4) years. Thereafter, the terms of the non-Board commissioners shall be four (4) years until their successors are appointed and qualified.

- (b) Except for the two (2) commissioners who are members of the Village Board, the commissioners shall have qualifications consisting of ability and experience in the fields of community development, financing, accounting, and community planning and shall particularly have experience in the creation of jobs and tax base through commercial and light industrial development.
- (c) The Community Development Authority shall have those powers and duties prescribed in Title 13, Chapter 2 of this Code of Ordinances.

Cross-Reference: Title 13, Chapter 2.

State Law Reference: Secs. 66.1105, 66.1301 to 66.1329, 66.1331, 66.1333, 66.1335, 66.1337 and 66.1339, Wis. Stats.

Sec. 2-4-8 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
 - (1) Schedule a date, time and place for its meetings;
 - (2) Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - (3) Post an agenda of the matters to be taken up at such meeting.
- (b) **Form of Notice.** Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING**VILLAGE OF BUTLER, WISCONSIN**(commission)

Please take notice that a meeting of the (commission) of the Village of Butler will be held on (date), 20__, at (time) p.m., at the Butler Municipal Building, in Room _____ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

(Commission)

By _____

The Butler Municipal Building is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are need, please contact the Butler Village Administrator at (telephone). Members of the Butler Village Board may be in attendance.

- (c) **Notice to Members.** Every member of any board, commission or committee of the Village of Butler shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Administrator within one (1) week of the meeting date. The Village Administrator shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.

- (e) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.

Sec. 2-4-9 Residency Required for Service on Citizen Boards or Commissions; Attendance Standards.

- (a) **Residency.** Except for the Library Board, no person not a resident of and not residing in the Village of Butler shall be appointed in a voting capacity to any citizen Village board, committee or commission listed in this Chapter. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by majority vote of the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance by majority vote of the Village Board.

Sec. 2-4-10 Committee and Commission Rules.

- (a) Except as provided herein, the provisions of Sections 2-2-17 through 2-2-21 of this Code of Ordinances relating to rules of procedure for the Village Board, together with *Robert's Rules of Order*, shall as far as applicable, also apply to committee board and commission meetings.
- (b) A simple majority of the members of a committee or commission shall constitute a quorum.

Title 2 ► Chapter 5

Ethics Code and Employment

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Sec. 2-5-1 Statement of Purpose.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Village of Butler officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Butler and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their

elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Butler.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Ten Thousand Dollars (\$10,000.00) of the outstanding stock of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

Sec. 2-5-3 Statutory Standards of Conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (b) **Sec. 946.11.** Special Privileges from Public Utilities.
- (c) **Sec. 946.12.** Misconduct in Public Office.
- (d) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

Sec. 2-5-4 Responsibility of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

Sec. 2-5-5 Dedicated Service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Administrator. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

Sec. 2-5-6 Fair and Equal Treatment.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.

- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

Sec. 2-5-7 Conflict of Interest.

(a) **Financial and Personal Interest Prohibited.**

- (1) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
- (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (d) **Gifts and Favors.**
 - (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.
 - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
 - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (e) **Representing Private Interests Before Village Agencies or Courts.**
 - (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance

- of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
 - (g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
 - (1) The contract is awarded through a process of public notice and competitive bidding;
 - (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
 - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
 - (h) **Disclosure of Interest in Legislation.**
 - (1) To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest.
 - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

Sec. 2-5-8 Advisory Opinions.

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

Sec. 2-5-9 Employees Covered by Collective Bargaining Agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective

bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-11.

Sec. 2-5-10 Outside Employment.

No full-time officer or full-time employee of the Village shall engage in any other remunerative employment within or without the Village; provided the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

Sec. 2-5-11 Sanctions.

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.